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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,296	09/20/2003	Vadim Azbel		2295
35158	7590	06/15/2005		
VADIM AZBEL 459 ST. ANDREWS RD. STATEN ISLAND, NY 10306			EXAMINER PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/605,296

Applicant(s)

AZBEL ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. One may also access the PTO web site at www.uspto.gov.

Specification

2. The disclosure is objected to because of the following informalities: the specification does not contain reference numbers or characters specifically pointing to a part of the drawings. Each element shown in the drawings should be denoted by a reference number or character. The drawings may have to be amended as well. Appropriate correction is required.

Claim Objections

3. Claims 1-10 are objected to because of the following informalities: 1) a reference to the panel should be included after the word "comprising" in claim 1; 2) the words "if necessary" should be deleted from claim 1; 3) the phrase "wherein face" should be "wherein a face of at least one of the light emitting elements" in line 2 of claim 2; 4) the phrase "wherein light-emitting elements" should be "wherein the light-emitting elements" in line 2 of claims 3, 4 and 5; 5) the phrase "or any other means suited for particular embodiment" should be made more exact or deleted in the last 2 lines of claim 6; the phrase "wherein electric light-emitting devices" should be "wherein the electric light-emitting devices" in lines 2 and 3 respectively of claims 7 and 8; the phrase "an electric control circuit" should be "the electric control circuit" in line 2 of claim 9; and the phrase "wherein luminescent film" should be "wherein the luminescent film" in line 2 of claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien (U.S. Patent 6,213,616 B1).

Regarding claim 1, Chien discloses religious, commemorative or holiday symbols (Fig. 2, pumpkin, reference number 18) formed by light-emitting elements (column 4, lines 55-60) and a control system (reference numbers 14-16) with an applicable energy source (reference number 13) if necessary (Fig. 2).

Concerning claim 2, Chien discloses a face (reference number 23) that is attachable to the surface of any geometry, depending on its application (Fig. 3).

Regarding claim 3, Chien discloses the light-emitting elements being embedded in the panel (column 2, lines 25-32).

Concerning claim 4, Chien discloses the light-emitting elements being represented in the form of a luminescent film (reference number 18, column 4 in lines 55-60).

Regarding claim 5, Chien discloses the light-emitting elements that must be distinguished from the rest of the image being placed on the panel for particular embodiments of the panel being represented in a form of electric-light emitting devices (Fig. 2, reference numbers 13-16 and 18).

Concerning claim 6, Chien discloses the face of the panel being attachable to the surface of any form by means of an adhesive compound, static adhesion, vacuum suction cups or *any other means suited for a particular embodiment* (sealing, column 4 in line 60 to column 5 in line 5).

Regarding claim 7, Chien discloses electric light-emitting devices being used (Fig. 2), which contain an applicable energy source attached to the panel (reference number 13).

Concerning claim 8, Chien discloses the electric control circuit (reference numbers 13-16) being used to manipulate the electric light-emitting devices (reference number 18, Fig. 2).

Regarding claim 9, Chien discloses the electric control circuit (reference numbers 13-16) being attached to the panel (Fig. 2).

Concerning claim 10, Chien discloses the luminescent film (reference number 18) being formed in the shape of the religious, commemorative or holiday symbols (pumpkin, reference number 18, Fig. 2) being embedded in the panel (column 2, lines 25-32).

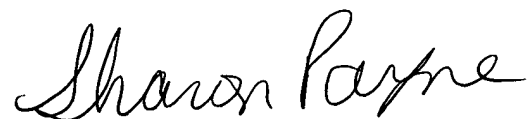
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sharon Payne
Patent Examiner
Technology Center 2800